

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Sep 06, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

and

BRENDA SANCHEZ COSSIO,

Plaintiff-Intervenor,

vs.

MONSON FRUIT CO. LLC, f/k/a  
MONSON FRUIT CO. INC., d/b/a  
MONSON FRUIT CO.,

Defendant.

No. 1:22-cv-03133-MKD

ORDER GRANTING PLAINTIFF-  
INTERVENOR'S MOTION TO  
DISMISS AND ORDER OF  
DISMISSAL

**ECF No. 55**

Before the Court is Plaintiff-Intervenor Brenda Sanchez Cossio's Unopposed Motion to Dismiss Plaintiff-Intervenor's Claims with Prejudice, ECF No. 55. Plaintiff-Intervenor requests that the Court dismiss the claims in her Intervenor Complaint, ECF No. 4-1, with prejudice upon entry of the proposed consent decree at ECF No. 52. ECF No. 55 at 2; *see also* ECF No. 54. Counsel for Plaintiff EEOC and Defendant Monson Fruit Co. LLC do not oppose the

1 motion. ECF No. 55 at 2.

2 On January 5, 2023, the Court granted Plaintiff-Intervenor leave to intervene  
3 as a plaintiff in this matter and to consolidate this case with the related action in  
4 *Cossio v. Monson Fruit Co., LLC*, No. 22-CV-3100. ECF No. 15. Plaintiff-  
5 Intervenor Cossio filed an Intervenor Complaint reraising the claims she  
6 previously brought against Defendant in the related action. *See* ECF No. 4-1;  
7 Complaint at 2, *Cossio v. Monson Fruit Co., LLC*, No. 22-CV-3100 (E.D. Wash.  
8 filed Aug. 3, 2022), ECF No. 1.

9 On September 5, 2024, the Court entered a Consent Decree in this matter,  
10 ECF Nos. 56, 56-1, pursuant to stipulation by Plaintiff EEOC and Defendant, ECF  
11 No. 52. Under the terms of the Consent Decree, the parties agree to the dismissal  
12 of the EEOC's claims with prejudice, although the Court retains jurisdiction for the  
13 duration of the Consent Decree for implementation purposes. *See* ECF No. 56-1 at  
14 3 ¶ 13, 16 ¶ 53. The Consent Decree also provides that the EEOC and Defendant  
15 shall bear their own costs of suit and attorneys' fees. *Id.* at 17 ¶ 57.

16 Absent a timely notice of dismissal or a stipulation of dismissal signed by all  
17 parties who have appeared, "an action may be dismissed at the plaintiff's request  
18 only by court order, on terms that the court considers proper." Fed. R. Civ. P.  
19 41(a)(2). The Court previously considered and approved the terms of the Consent  
20 Decree, including the term requiring dismissal of the EEOC's claims with

1 prejudice. ECF No. 56. The Court has reviewed Plaintiff-Intervenor's Motion and  
2 the record and finds it appropriate to grant the requested dismissal of Plaintiff-  
3 Intervenor's claims with prejudice.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. Plaintiff-Intervenor Brenda Sanchez Cossio's Unopposed Motion to  
6 Dismiss Plaintiff-Intervenor's Claims with Prejudice, **ECF No. 55**, is **GRANTED**.

7 2. Pursuant to Fed. R. Civ. P. 41(a)(2) and the terms of the Consent  
8 Decree, ECF No. 56-1, all claims in Plaintiff EEOC's Complaint, ECF No. 1, are  
9 **DISMISSED with prejudice**, without an award of fees or costs.

10 a. The Court retains continuing jurisdiction over the Consent Decree  
11 for its duration, as specified in ECF No. 56-1 at 16-17 ¶¶ 53-55.

12 3. Pursuant to Fed. R. Civ. P. 41(a)(2) and Plaintiff-Intervenor's motion  
13 to Dismiss, ECF No. 55, all claims in Plaintiff-Intervenor Cossio's Complaint,  
14 ECF No. 4-1, are **DISMISSED with prejudice**.

15 4. All pending motions, if any, are **DENIED as moot**.

16 5. All pending dates and deadlines are **STRICKEN**.

1           **IT IS SO ORDERED.** The District Court Executive is directed to file this  
2 Order, provide copies to the parties, and **CLOSE the file.**

3                   DATED September 6, 2024.

4                               s/Mary K. Dimke  
5                               MARY K. DIMKE  
6                               UNITED STATES DISTRICT JUDGE  
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